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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,088	01/23/2004	Eric J. Horvitz	MS164190.03/MSFTP209USB	8242
27195	7590	12/06/2004	EXAMINER	
AMIN & TUROCY, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			MOFIZ, APU M	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,088

Applicant(s)

HORVITZ ET AL.

Examiner

Apu M Mofiz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/21/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,745,193.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-9 of U.S. Patent No. 6,745,193 contain every element of claims 1-9 of the instant specification.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. *In re Longi*, 759 F.2d at 896, 225 USPQ at 651."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ford et al. (U.S. Patent No. 6,510,424 and Ford hereinafter).

As to claim 1, Ford teaches a notification system (i.e. the system with the intelligent notification agent) (col 3, lines 20-67), comprising; a profile definition (i.e. the user profile) (col 3, lines 20-67) and selection system (i.e. the computer system that receives the user's choices, state etc. and relays these choices to create a user profile indicating user's current choices) (col 3, lines 20-67; col 4, lines 1-34) that receives contextual (i.e., the meaning of context in Webster dictionary is "the interrelated conditions in which something exists or occurs". E.g., the contextual information would be user's choice of specifying which data is urgent or when or how the user should be notified etc. The user sets the conditions/rules/context for the notifying agent to notify the user.) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) information relating to a

current user state (i.e., the user has the option of specifying the user's choices through various parameters/variables, and the notifying agent tracks the user profile, which reflects user's current choices/conditions and performs/acts accordingly.) (col 3, lines 20-67; col 4, lines 1-34), the profile definition (col 3, lines 20-67) and selection system (col 3, lines 20-67; col 4, lines 1-34) generating and/or relaying a set of control parameters (e.g. time parameters) (col 3, lines 20-67; col 4, lines 1-34) based at least partially upon the contextual information (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34); and a notification manager (i.e. the notifying agent) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) that selectively sends a user at least one of a notification (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) and a communication based upon the set of control parameters (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 2, Ford teaches that the profile definition (i.e. the user profile) (col 3, lines 20-67) and selection system (i.e. the computer system that receives the user's choices, state etc.) (col 3, lines 20-67; col 4, lines 1-34) is a user context component (i.e. the entity/component keeps the user defined contexts) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 3, Ford teaches that the user context component (i.e. the entity/component keeps the user defined contexts) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) selects at least one of M (i.e. $M=1$) user profiles, M being an integer (i.e. 1 is an integer), based upon the contextual information (i.e., the meaning of context

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in Webster dictionary is "the interrelated conditions in which something exists or occurs". E.g., the contextual information would be user's choice of specifying which data is urgent or when or how the user should be notified etc. The user sets the conditions/rules/context for the notifying agent to notify the user.) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34), the user profiles (i.e., the meaning of context in Webster dictionary is "the interrelated conditions in which something exists or occurs". E.g., the contextual information would be user's choice of specifying which data is urgent or when or how the user should be notified etc. The user sets the conditions/rules/context for the notifying agent to notify the user.) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) including at least one of N (i.e. at least one time parameter. The meaning of context in Webster dictionary is "the interrelated conditions in which something exists or occurs". E.g., the contextual information would be user's choice of specifying which data is urgent or when or how the user should be notified etc. The user sets the conditions/rules/context for the notifying agent to notify the user.) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) user context variables (i.e. the system works with varied types of data. Therefore it requires variables to store varied types of data or user set values) (i.e., the meaning of context in Webster dictionary is "the interrelated conditions in which something exists or occurs". E.g., the contextual information would be user's choice of specifying which data is urgent or when or how the user should be notified etc. The user sets the conditions/rules/context for the notifying agent to notify the user.) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) to define different states (i.e., the meaning of context in Webster dictionary is "the interrelated conditions in which

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something exists or occurs". E.g., the contextual information would be user's choice of specifying which data is urgent or when or how the user should be notified etc. The user sets the conditions/rules/context for the notifying agent to notify the user.) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) associated with a user (i.e., the meaning of context in Webster dictionary is "the interrelated conditions in which something exists or occurs". E.g., the contextual information would be user's choice of specifying which data is urgent or when or how the user should be notified etc. The user sets the conditions/rules/context for the notifying agent to notify the user.) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 4, Ford teaches that the user profiles define at least one state relating to when (i.e. user sets the time parameter for the notifying agent how often to check the messages) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34), what (i.e., what message constitutes an urgent message) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34), how (i.e. notified through email, pager or phone) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) and where (i.e. at which email address or which phone number) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 5, Ford teaches that the user profiles are provided via at least one of default files (i.e. the file system the notifying system supports) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34), prototype files, and survey directed files (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 6, Ford teaches that the user context component selects at least one of M (i.e. $M=1$) context profiles (i.e. the user profile) (col 3, lines 20-67), M being an integer, based upon the contextual information (i.e., the meaning of context in Webster dictionary is "the interrelated conditions in which something exists or occurs". E.g., the contextual information would be user's choice of specifying which data is urgent or when or how the user should be notified etc. The user sets the conditions/rules/context for the notifying agent to notify the user.) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34), the context profiles (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) including at least one of N (i.e. at least $N=1$) user context variable (i.e. at least one time parameter. The meaning of context in Webster dictionary is "the interrelated conditions in which something exists or occurs". E.g., the contextual information would be user's choice of specifying which data is urgent or when or how the user should be notified etc. The user sets the conditions/rules/context for the notifying agent to notify the user. The system works with varied types of data. It requires variables to store these varied types of data.) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) sets to define different states (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) associated with a user (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 7, Ford teaches that the context profiles (i.e. the user profile) (col 3, lines 20-67) are associated with a tuning value (i.e. user can adjust when and how often (i.e. increase or decrease or tune) to receive notifications by the notification agent)

(Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) that is employed to adjust the notification manager (i.e. the notification agent) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 8, Ford teaches that the tuning value increases or decreases (i.e. user can adjust when and how often (i.e. increase or decrease or tune) to receive notifications by the notification agent) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) an amount of notifications associated with the context profiles (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34)..

As to claim 9, Ford teaches that the context profiles are defined as at least one of an empty set, a single set and a multiple set of context parameters (i.e. there may or may not have user defined parameters; and empty set is a set with no members; a single set has one member and a multiple set has multiple members; In another word it is a universe set; Ford teaches that the user can set various parameters/rules in the profile.) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) acting upon the notification manager (i.e. the notification agent) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 10, Ford teaches a user interface (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) for adjusting the control parameters (i.e. user can adjust when and

how often (i.e. increase or decrease or tune) to receive notifications by the notification agent using a GUI) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 11, Ford teaches that the user interface includes sliding adjustments (i.e. user can adjust when and how often (i.e. increase or decrease or tune or slide) to receive notifications by the notification agent using a GUI) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) to enable the control parameters (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) to be increased or decreased (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 12, Ford teaches that the user interface (i.e. user can adjust when and how often (i.e. increase or decrease or tune or slide) to receive notifications by the notification agent using a GUI) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) utilizes display feedback to indicate anticipated system performance (i.e. the user can specify a SMS address, but some forms of data may not be viewable on the pager or SMS phone. The user will be notified of the systems inability to deliver the message. Therefore user will be notified of the performance of the system.) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) effects based upon the user the adjustments (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 13, Ford teaches that the display feedback is determined from past system performance (i.e. the user can specify a SMS address, but some forms of data may not be viewable on the pager or SMS phone. The user will be notified of the systems inability to deliver the message. Therefore user will be notified of the past performance (i.e. the system was unable to deliver the data, which happened in the past) of the system.) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 14, Ford teaches a signal facilitating communications (Fig. 1) in a notification system (i.e. the system with the intelligent notification agent) (col 3, lines 20-67), comprising: a data packet for communicating (i.e. internet is a packet based communication system) (col 2, lines 60-61) contextual information (i.e., the meaning of context in Webster dictionary is "the interrelated conditions in which something exists or occurs". E.g., the contextual information would be user's choice of specifying which data is urgent or when or how the user should be notified etc. The user sets the conditions/rules/context for the notifying agent to notify the user.) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) associated with a notification manager (i.e. the notification agent) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) and a user context component, the user context component (i.e. the entity/component keeps the user defined contexts) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) determining the contextual information (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34); the signal providing at least one adjustment (i.e. time parameter) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) to the notification manager (Abstract; Fig. 2; col 3, lines 20-67; col

4, lines 1-34) relating to the contextual information (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 15, Ford teaches at least a portion of the contextual information (i.e., the meaning of context in Webster dictionary is “the interrelated conditions in which something exists or occurs”. E.g., the contextual information would be user’s choice of specifying which data is urgent or when or how the user should be notified etc. The user sets the conditions/rules/context for the notifying agent to notify the user.) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) relating to a current geographic location (i.e. a phone number and a phone number is associated with a geographic location) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) of a user (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 16, Ford teaches the notification manager (i.e. notification agent) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) selects one of a plurality of communications devices (i.e. a phone or handheld device) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) based at least in part upon the contextual information (i.e., the meaning of context in Webster dictionary is “the interrelated conditions in which something exists or occurs”. E.g., the contextual information would be user’s choice of specifying which data is urgent or when or how the user should be notified etc. The user sets the conditions/rules/context for the notifying agent to notify the user. E.g., the user wants the notification to go to the pager) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines

1-34) and relays a message to the selected communications device (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 20, Ford teaches a notification system (i.e. the system with the intelligent notification agent) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34), comprising; a rules-based system (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) operative according to one or more rules (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34), the rules-based system receives contextual information (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) relating to a user state (i.e. the user specifies the rules/parameters indicating the user's choices) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) and generates a set of control parameters (i.e. user's choices has to be transformed into some parameters e.g., time parameters so that the notification agent can read these parameters) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) based upon the contextual information (i.e., the meaning of context in Webster dictionary is "the interrelated conditions in which something exists or occurs". E.g., the contextual information would be user's choice of specifying which data is urgent or when or how the user should be notified etc. The user sets the conditions/rules/context for the notifying agent to notify the user. E.g., the user wants the notification to go to the pager) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) and the one or more rules (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34); and a notification manager (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) that selectively sends a notification (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) based upon at least one of the set

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of control parameters (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) and the one or more rules (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 21, Ford teaches a user interface to at least one of employ, refine, and view sets of logical IF-THEN rules (i.e. rules is a genus of IF-THEN rule species and therefore anticipates IF-THEN rule) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) that define policies (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) and related controls for the policies (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

As to claim 22, Ford teaches that the related controls (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) further comprising at least one of thresholds, message-chunking, and one or more preferred devices (i.e. phone or pager) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford et al. (U.S. Patent No. 6,510,424 and Ford hereinafter) in view of Breed et al. (U.S. Patent No. 6,735,506).

As to claim 17, Ford teaches 17 a notification system (i.e. the system with the intelligent notification agent) (col 3, lines 20-67), wherein a notification manager (i.e. the notification agent) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34) selectively sends a communication based upon the behavior (i.e. based upon user set parameters) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

Ford does not explicitly teach an adaptive component that automatically tunes one or more parameters by collecting feedback about notification behavior during a training phase;

Breed teaches an adaptive component (i.e. "The diagnostic module 170 compares the patterns of data received from each sensor individually, or in combination with data from other sensors, with patterns for which the diagnostic module has been trained to determine whether the component is functioning normally or abnormally." ... "The resulting neural network can be tested to determine if some of the input data from some of the sensors, for example can be eliminated. In this way, the engineer can determine what sensor data is relevant to a particular diagnostic problem." The preceding text excerpts clearly indicate that a user can set which data should be considered by the adaptive diagnostic system. Accordingly, the diagnostic system can notify the problem to the driver, dealer or the manufacturer. Before diagnostic system can anticipate any problem it is trained by trial and error and feedbacks.) (col 22, lines 15-35; col 23, lines 35-67) that automatically tunes (i.e. the diagnostic system can eliminate irrelevant data inputs in diagnosing or notifying a problem) (col 22, lines 15-35;

col 23, lines 35-67) one or more parameters (i.e. one or more data inputs from the sensors) (col 22, lines 15-35; col 23, lines 35-67) by collecting feedback about notification behavior during a training phase (col 22, lines 15-35; col 23, lines 35-67);

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Ford with the teachings of Breed to include an adaptive component that automatically tunes one or more parameters by collecting feedback about notification behavior during a training phase with the motivation to provide a system for determining the presence of and total number of occupants of a vehicle and, in the event of an accident, transmitting that information, as well as other information such as the condition of the occupants, to a receiver site remote from the vehicle (Breed, col 5, lines 45-53).

As to claim 18, Ford does not teach that the adaptive component further comprises a history for at least one of tracking, reporting, and summarization of changes for users.

Breed teaches that the adaptive component (i.e. "The diagnostic module 170 compares the patterns of data received from each sensor individually, or in combination with data from other sensors, with patterns for which the diagnostic module has been trained to determine whether the component is functioning normally or abnormally." ... "The resulting neural network can be tested to determine if some of the input data from some of the sensors, for example can be eliminated. In this way, the engineer can determine what sensor data is relevant to a particular diagnostic problem." The

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preceding text excerpts clearly indicate that a user can set which data should be considered by the diagnostic system, which can adapt to the rules (i.e. a neural network). Accordingly, the diagnostic system can notify the problem to the driver, dealer or the manufacturer. Before diagnostic system can anticipate any problem it is trained by trial and error and feedbacks.) (col 22, lines 15-35; col 23, lines 35-67) further comprises a history for at least one of tracking, reporting, and summarization of changes for users (i.e. "the association of data with time to create a temporal pattern for use in diagnosing component failures in automobile is unique to this invention as in the combination of several such temporal patterns." The preceding text excerpts clearly indicate that the system keep a history of data inputs, which are set by an engineer. Therefore the system is keeping a history of changes of users.) (col 22, lines 15-35; col 23, lines 35-67; col 27, lines 55-65).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Ford with the teachings of Breed to include that the adaptive component further comprises a history for at least one of tracking, reporting, and summarization of changes for users with the motivation to provide a system for determining the presence of and total number of occupants of a vehicle and, in the event of an accident, transmitting that information, as well as other information such as the condition of the occupants, to a receiver site remote from the vehicle (Breed, col 5, lines 45-53).


As to claim 19, Ford teaches that the feedback includes at least one of "I am busy now, that was not worth it in this contexts", "I'd like to be getting more email," and I am being bothered too much with this facility." (i.e. how often notification agent should check for messages and forward the messages to the user.) (Abstract; Fig. 2; col 3, lines 20-67; col 4, lines 1-34).

Points of Contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (571) 272-4080. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached at (571) 272-4083. The fax numbers for the group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.


Apu M. Mofiz
Patent Examiner
Technology Center 2100

December 02, 2004